

1 APPEARANCES: (CONT'D)

2 MR. JOHN BLAIR
3 527 East Capitol Avenue
4 Springfield, Illinois 62701
5 Appearing for Staff
6 (via teleconference).

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SULLIVAN REPORTING COMPANY, by
Tracy L. Overocker, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Re- Cross</u>	<u>By direct</u>	<u>Examiner</u>
Jason Anderson	9	19	24	20, 24
Michael Gronewold	25	32, 33		30, 34
Curtis Cook	36			39

E X H I B I T S

<u>Petitioner's</u>	<u>For Identification</u>	<u>In Evidence</u>
Nos. 1 - 3		9

1 JUDGE DUGGAN: Pursuant to the authority vested
2 in me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket T11-0046 for
4 hearing.

5 May we have the appearances for the
6 record starting with Mr. Cooper for the City.

7 MR. COOPER: Alan Cooper.

8 Do you need the address, Tracy.

9 THE REPORTER: I don't have any of it.

10 JUDGE DUGGAN: Yeah. Address and phone number,
11 please.

12 MR. COOPER: Alan, A-l-a-n, H. Cooper,
13 attorney; 233 East Route 38, Suite 202, Post Office
14 Box 194, Rochelle, Illinois 61068; telephone,
15 (815) 562-2677. Also appearing as the attorney for
16 the petitioner is my associate, David M. Lyons,
17 L-y-o-n-s, with the same address and telephone
18 number.

19 JUDGE DUGGAN: I will note that Curtis Cook,
20 Ogle County highway engineer, appears on behalf of
21 the Ogle County Highway Engineering Department.

22 Would you give us your address and

1 phone number also, please.

2 MR. CURTIS COOK: Sure. Curtis, C-u-r-t-i-s,
3 Cook, from the Ogle County Highway Department; 1989
4 South Illinois Route 2, Oregon, Illinois 61061; phone
5 number, (815) 732-2851.

6 JUDGE DUGGAN: Mr. Blair.

7 MR. BLAIR: John Blair, B-l-a-i-r, appearing on
8 behalf of Staff of the Illinois Commerce Commission's
9 Rail Safety Section; 527 East Capitol Avenue,
10 Springfield, Illinois 62701.

11 JUDGE DUGGAN: Those people who are going to
12 testify, please raise your right hands.

13 (Witnesses sworn.)

14 MR. COOPER: Exhibits?

15 JUDGE DUGGAN: I tell you what, I'll just mark
16 them as I get them.

17 MR. COOPER: I was just going to offer them all
18 at the outset because I don't think there's going to
19 be an objection to them, and then they'll be...

20 JUDGE DUGGAN: Okay.

21 MR. COOPER: I have to offer into evidence
22 Petitioner's Exhibit 1, which is a vicinity map;

1 Petitioner's Exhibit 2, which is a preliminary design
2 drawing; and Petitioner's Exhibit 3, which is an
3 aerial photograph and drawing of the City lead track,
4 all of which have been previously provided to Staff
5 and the Administrative Law Judge. And I would offer
6 all three of those exhibits into evidence.

7 JUDGE DUGGAN: Let me see. Who can
8 authenticate that Exhibit 1 accurately depicts what
9 it intends to?

10 MR. COOPER: Mr. Gronewold will testify to
11 that.

12 JUDGE DUGGAN: I'll just ask Mr. Gronewold
13 right now.

14 Showing you Petitioner's Exhibit 1,
15 what does that purport to portray?

16 MR. MICHAEL GRONEWOLD: It gives an indication
17 of where Rochelle is in the state of Illinois and an
18 indication of where the proposed crossing is in
19 Rochelle.

20 JUDGE DUGGAN: Okay. So does that accurately
21 depict those perspectives?

22 MR. MICHAEL GRONEWOLD: Yes, sir.

1 JUDGE DUGGAN: Thank you.

2 Who testifies to Exhibit 2?

3 MR. COOPER: I'll have that in my examination,
4 if you want.

5 JUDGE DUGGAN: Well, if they're being
6 offered -- at least get the authentication point out
7 of the way.

8 MR. COOPER: Mr. Gronewold will testify to...

9 JUDGE DUGGAN: Showing you Petitioner's
10 Exhibit 2, does that appear to be a summary of the --
11 a depiction of the protective devices and the
12 construction of the crossing -- well, it is the
13 construction of the crossing.

14 MR. MICHAEL GRONEWOLD: Both.

15 JUDGE DUGGAN: And was that -- were those
16 prepared by you?

17 MR. MICHAEL GRONEWOLD: Yes.

18 JUDGE DUGGAN: And, in fact, is that how the
19 construction is proposed to be constructed?

20 MR. MICHAEL GRONEWOLD: Yes.

21 JUDGE DUGGAN: And, in fact, does that depict
22 the protective warning devices that have been

1 proposed at this crossing?

2 MR. MICHAEL GRONEWOLD: Yes, it does.

3 JUDGE DUGGAN: Okay. Thank you.

4 And who is going to testify to

5 Exhibit 3?

6 MR. COOPER: Jason Anderson.

7 JUDGE DUGGAN: Okay. Jason, I show you a

8 copy -- do you have a copy of Petitioner's Exhibit 3.

9 MR. JASON ANDERSON: I don't have one.

10 Yes, sir.

11 JUDGE DUGGAN: Looking at Exhibit 3, does that

12 appear to be an aerial view of the area pertinent to

13 the City track and the switches from the City track?

14 MR. JASON ANDERSON: Yes, sir, that's correct.

15 JUDGE DUGGAN: Okay. And does it accurately

16 depict that track and switches?

17 MR. JASON ANDERSON: Yes, sir, it does.

18 JUDGE DUGGAN: At least to the limits of the

19 definition we have here; correct?

20 MR. JASON ANDERSON: Correct.

21 JUDGE DUGGAN: All right. Any objection to

22 Exhibits 1, 2 and 3?

1 MR. BLAIR: No.

2 JUDGE DUGGAN: Okay. Exhibits 1, 2 and 3 are
3 admitted into the record.

4 (Whereupon, Petitioner's
5 Exhibit Nos. 1 through 3 were
6 admitted into evidence.)

7 MR. COOPER: I would call Jason Anderson.

8 JASON ANDERSON,
9 called as a witness herein, having been first duly
10 sworn, was examined and testified via teleconference
11 as follows:

12 DIRECT EXAMINATION

13 BY

14 MR. COOPER:

15 Q Would you state your name and spell it,
16 please.

17 A Jason Anderson. J-a-s-o-n,
18 A-n-d-e-r-s-o-n.

19 Q What's your business address?

20 A It's 420 North 6th Street in Rochelle,
21 Illinois 61068. Phone number is (815) 562-7595.

22 Q You are the economic development director

1 for the City of Rochelle?

2 A That is correct.

3 Q How long have you held that position?

4 A Six and a half years.

5 Q Rochelle is an Illinois municipal

6 corporation located in Ogle County; correct?

7 A That is correct.

8 Q What's its approximate population?

9 A 96,000 people.

10 Q Rochelle is served by two national

11 railroads, the Union Pacific and the Burlington

12 Northern Santa Fe Railroads; is that correct?

13 A Yes, that's correct.

14 Q Those two rail lines actually cross in

15 downtown Rochelle?

16 A Yes, they do.

17 Q The City owns its own short line railroad

18 and has owned its own short line railroad since 1986?

19 A Yes, that's correct.

20 Q And the City holds the certificates from

21 the federal government for the operation of the

22 City's railroad?

1 A Yes, sir.

2 Q Does the City own the rail on its railroad?

3 A Yes, it does.

4 Q And does the City own or have easements of

5 the right of way over the land on which the rail for

6 the City railroad is located?

7 A Yes, it does.

8 Q The City railroad connects with both the

9 Union Pacific and the Burlington Northern Santa Fe

10 main lines?

11 A Yes, it does.

12 Q And the UP and the BNSF main lines,

13 railroads drop cars to be picked up by the City

14 railroad and then to be delivered by the City

15 railroad to industries which are served by the City

16 railroad?

17 A That's correct.

18 Q Do either the Union Pacific or the BNSF

19 operate any of their equipment on the City railroad?

20 A No, they don't.

21 Q Do the City railroad customers then

22 maintain their own trackage and switches that connect

1 them to the City railroad?

2 A Correct.

3 Q And this petition seeks to extend the
4 existing City railroad to cross Steward Road or --
5 which is Ogle County Highway 17, to serve a new
6 industry on the east side of Steward Road; is that
7 right?

8 A Yes, that's correct.

9 Q I direct your attention to Exhibit 3 that
10 has been admitted into evidence. Does the present --
11 is the present location of the City railroad shown in
12 black on Exhibit 3?

13 A Yes, it is.

14 Q And are the industries which are served by
15 the present City railroad identified by name and
16 location on Exhibit 3?

17 A Yes, they are.

18 Q These are primarily warehousing and
19 manufacturing facilities; is that correct?

20 A That is correct.

21 Q The City has -- had earlier contracted with
22 one of its rail customers, Total Logistics Company,

1 to operate switching services upon the City railroad
2 track on behalf of the City; is that correct?

3 A Yes, it is.

4 Q TLC, as it's known, has now become
5 purchased and is known as Ryder, R-y-d-e-r?

6 A Correct.

7 Q Under the City contract with TL- -- with
8 TLC, is Ryder obligated to obey all rules and
9 regulations of any government agency pertaining to
10 switching services on the City railway?

11 A Yes, they are.

12 Q Has Ryder contracted then with the
13 Burlington Junction Railway to perform certain of
14 these switching operations?

15 A Yes, they have subcontracted with the
16 Burlington Junction Railway.

17 Q Is the Burlington Junction Railway a
18 company which is actually in the business of
19 operating short line railroads?

20 A Yes, it is. It has a number of switching
21 operations and short lines throughout the Midwest.

22 Q And under its contract with TLC, is -- is

1 the Burlington Junction also obligated to obey all
2 rules and regulations of any government agency
3 pertaining to the operation of the City railroad?

4 A Yes, that is correct.

5 Q Is the proposed extension of the City
6 railroad that is the subject of this petition shown
7 in red on Petitioner's Exhibit 3?

8 A Yes, it is.

9 Q And is the proposed at-grade crossing at
10 Steward Road circled on Petitioner's Exhibit 3?

11 A Yes, it is.

12 Q The company which -- whose facilities are
13 driving this petition are known as Coded Sand
14 Solutions, and that's identified on the east side of
15 Caron Road; is that right?

16 A Yes, it is.

17 Q That's a company which is looking to locate
18 in that -- at that place, annex into the city and
19 construct a manufacturing facility?

20 A Yes, it is.

21 Q And that manufacturing facility will
22 require rail?

1 A Yes, it will.

2 Q And that anticipated rail to serve that
3 facility is shown in red on the east side of Steward
4 Road in Exhibit 3?

5 A Yes, it is.

6 Q Steward Road is presently an Ogle County
7 road; is that right?

8 A Yes, it is.

9 Q And at the location where the crossing of
10 Steward Road would take place, it is anticipated that
11 the City will have two parallel tracks?

12 A Yes.

13 Q All within one crossing with the various
14 signals and other safety devices that Mr. Gronewold
15 will testify to?

16 A Yes, correct.

17 Q Is there an agreement -- has there been an
18 agreement reached between the City and IRE in
19 principle whereby the City will acquire a certain
20 privately owned rail track of IRE?

21 A Correct. Yes, it has.

22 Q IRE presently has four roughly parallel,

1 privately owned tracks on its facility; is that
2 correct?

3 A Yes, it does.

4 Q And on the west end, they connect to the
5 City lead track?

6 A Correct.

7 Q And IRE has agreed to dedicate the
8 southernmost of its four rail tracks to the City for
9 the City's use as part of the City lead track?

10 A Yes, it has.

11 Q And it has also agreed to dedicate the
12 portion of its privately owned rail from the City
13 lead track to where the City -- the single IRE track
14 then increases to four tracks, IRE has dedicated that
15 portion as well?

16 A Yes.

17 Q IRE has also agreed to dedicate a strip of
18 land -- an easement over a strip of land immediately
19 to the south of the southernmost of its rail tracks
20 for the City to construct another rail -- City-owned
21 lead track?

22 A Correct.

1 Q So that that southernmost one of the IRE --
2 now IRE-owned track and the new City lead track on
3 the easement will constitute the two City lead tracks
4 in that location?

5 A Yes, it will.

6 Q And this -- the IRE -- the southernmost IRE
7 lead track does not extend all the way to Steward
8 Road at the present time?

9 A It does not.

10 Q And is the City going to acquire also from
11 IRE an easement to extend the southernmost IRE track
12 to Steward Road, as well as construct the new City
13 lead track all the way to Steward Road?

14 A Yes.

15 Q And then to cross Steward Road with those
16 two parallel tracks?

17 A Correct.

18 Q What arrangements have been made or who
19 will pay for the acquisition of the easements from
20 IRE?

21 A The City is -- entered into an agreement
22 with IRE for the easements in exchange for a change

1 to the annexation agreement.

2 Q That would be the annexation agreement
3 covering the IRE property?

4 A Correct.

5 Q Are there some obligations that IRE
6 incurred in that obligation agreement that it's being
7 relieved from?

8 A Yes, it is. IRE was obligated to pay
9 \$100,000 to the City, at which time when the City
10 would want to run the railroad farther south; and
11 since the need to run it south is no longer there,
12 the City is going to relieve IRE of that obligation.
13 In an exchange for that, IRE is going to grant the
14 easements to the City.

15 Q And that will be done at no additional
16 money other than a nominal dollar?

17 A A dollar, correct.

18 Q Who will pay for the engineering for the
19 proposed extension of the City lead track and the
20 crossing of Steward Road?

21 A The City will incur that expense.

22 Q Will pay for the materials for that?

1 A The City.

2 Q And who will pay for the construction for
3 that?

4 A The City.

5 Q And would the City then be responsible for
6 the maintenance of this crossing of Steward Road
7 after it's constructed?

8 A Yes, it will.

9 MR. COOPER: I believe that's all the questions
10 I have of this witness.

11 JUDGE DUGGAN: Mr. Blair?

12 CROSS-EXAMINATION

13 BY

14 MR. BLAIR:

15 Q Do you know what the projected train
16 traffic will be per day?

17 A Per day, we're expecting there to be two
18 movements across the -- Steward Road. One in the
19 morning and one in the evening.

20 Q Okay.

21 A It's a 10-mile-an-hour track.

22 MR. BLAIR: Okay. As far as the train traffic,

1 that will be your testimony?

2 MR. MICHAEL GRONEWOLD: Yes.

3 MR. BLAIR: I don't have any other questions.

4 JUDGE DUGGAN: Yeah, I'm going to clarify with

5 you some of the matters that we discussed off the

6 record.

7 EXAMINATION

8 BY

9 JUDGE DUGGAN:

10 Q I think you were testifying to Exhibit 3;

11 correct?

12 A Yes.

13 Q Okay. And clarify that -- on this, the

14 BNSF track is depicted in gray to the west --

15 A West.

16 Q -- of the City lead track; correct?

17 A Correct.

18 Q Okay. And that City lead track on the

19 north terminates at its connection with the Union

20 Pacific Railroad; correct?

21 A Yes, it connects to the north of the UP,

22 right.

1 Q Okay. And it is running pretty much
2 parallel with the BNSF Railroad, south from that
3 connection; correct?

4 A Yeah. It's -- the track runs parallel to
5 the BNSF and parallel to Caron Road at that point.

6 Q Okay. And then the southern end of the
7 City track terminates at basically a ditch; correct?

8 A St. John's Creek, I believe, John's Creek.

9 Q Okay. And then looking at the switch off
10 of the City lead track as shown in Petitioner's
11 Exhibit 3, where it curves off with the single track
12 which then extends into four tracks running on the
13 south edge of Illinois River Energy, all those tracks
14 are presently Illinois River Energy tracks all the
15 way back to the City lead track; correct?

16 A Correct.

17 Q And it was covered by Mr. Cooper, but I'm
18 just trying to make sure that the record is clear
19 enough for me. The portion of the switch that comes
20 up the City lead track and before it becomes four
21 tracks, that is presently the Illinois River Energy
22 track; correct?

1 A It is presently, correct.

2 Q And that portion is expected -- or there is
3 an agreement that Illinois River Energy will dedicate
4 that portion to the City; correct?

5 A Correct.

6 Q Okay. And then as well as the southernmost
7 of the four existing tracks, Illinois River Energy is
8 going to dedicate that also to the City; correct?

9 A A 25-foot strip easement along that
10 southern track will be dedicated as a second -- for a
11 second CIR tr- -- lead track.

12 Q In addition to the fourth track which will
13 be dedicated to the City? So let's do it one more
14 time.

15 The southernmost track of those four
16 tracks will be dedicated to the City by Illinois
17 River Energy?

18 A Correct.

19 Q In addition, there's going to be an extra
20 25-foot easement south of that; correct?

21 A Correct.

22 Q Now, the testimony was that the planned

1 extension was depicted in red, but the red really
2 only depicts a portion from the existing --

3 A Yes.

4 Q -- fourth track; correct?

5 A Yes.

6 Q Okay. The addition of the second track is
7 either not depicted in here or not depicted in red
8 from the point where it would -- strike all that.

9 The track that is going to be
10 completely new, which is going to add a fifth track
11 to these four tracks, is that depicted fully on
12 Exhibit 3?

13 A No, sir, it's not.

14 Q Okay. Is the fifth track going to run --
15 start from the City lead track or is it going to
16 start where the -- where the switch expands to four
17 tracks?

18 A It would start where the switch expands to
19 the four tracks.

20 Q Okay. And then it will follow that same
21 path and then cross Steward Road; correct?

22 A Correct.

1 JUDGE DUGGAN: Okay. I think that's all I have
2 of this witness.

3 Do you have any questions?

4 MR. CURTIS COOK: No, thank you.

5 REDIRECT EXAMINATION

6 BY

7 MR. COOPER:

8 Q The distance of the new City track from the
9 west end where it comes off the City lead track to
10 the east side of Caron Road would be approximately --

11 A Steward Road?

12 Q Steward Road, I mean -- would be
13 approximately 100 feet?

14 A That's correct.

15 MR. COOPER: That's all.

16 FURTHER EXAMINATION

17 BY

18 JUDGE DUGGAN:

19 Q Once again, that's the entire -- from the
20 track to the end of what is depicted in red; correct?

21 A Actually, just to the east side of Steward
22 Road.

1 Q Oh, that's 2500 --

2 A That's 2500 feet.

3 JUDGE DUGGAN: Gotcha. Okay. Thank you.

4 MR. COOPER: I call Michael Gronewold.

5 MICHAEL GRONEWOLD,

6 called as a witness herein, having been first duly

7 sworn, was examined and testified via teleconference

8 as follows:

9 DIRECT EXAMINATION

10 BY

11 MR. COOPER:

12 Q You are Michael Gronewold?

13 A Yes.

14 Q Could you spell your name, please.

15 A Michael, M-i-c-h-a-e-l, Gronewold,

16 G-r-o-n-e-w-o-l-d.

17 Q What is your business address and telephone

18 number?

19 A Business address is Fehr-Graham &

20 Associates, which is F-e-h-r, hyphen, G-r-a-h-a-m,

21 and Associates. Address is 515 Lincoln Highway,

22 Rochelle, Illinois 61068. Telephone number is

1 (815) 562-9087.

2 Q You are employed by a principal in the
3 Fehr-Graham engineering firm; is that correct?

4 A Correct.

5 Q And you are a licensed engineer in the
6 state of Illinois?

7 A Correct.

8 Q How long have you been so licensed?

9 A Since 1998.

10 Q And Fehr-Graham is the City's consulting
11 engineer with respect to this project that is the
12 subject of this petition; is that correct?

13 A Correct.

14 Q And the work that's been done by
15 Fehr-Graham on this project has been done under your
16 supervision?

17 A Correct.

18 Q You are familiar with the City's plan for
19 the proposed crossing that is the subject of this
20 petition?

21 A Correct.

22 Q I direct your attention to Exhibit 1, the

1 vicinity map. Does that map accurately portray the
2 general vicinity of the proposed at-grade crossing
3 that is the subject of this petition?

4 A Yes, it does.

5 Q Have you or Fehr-Graham determined the
6 number of movements anticipated on the rail for this
7 proposed extension of the City railroad?

8 A Yes.

9 Q And have you determined that the
10 anticipated number of movements is approximately
11 two per day?

12 A Correct.

13 Q That would be up to two block trains with
14 up to 40 cars each?

15 A Correct.

16 Q And what would be the speeds of those
17 movements?

18 A This rail is posted at 10 miles an hour.

19 Q Have you also determined the average daily
20 traffic on Steward Road at the location of this
21 proposed crossing?

22 A Yes.

1 Q And does that show the average daily
2 traffic is approximately 1,100?

3 A Correct.

4 Q With speeds posted -- advisory posted, I
5 guess, at what?

6 A 45 miles an hour.

7 Q Now, Exhibit 3 has an indication of traffic
8 and the ADT for 2007 being 600 and I want to clarify
9 that. At the north end of the Illinois River Energy
10 property exiting onto Caron, Steward Road is the
11 entrance to Illinois River Energy; is that right?

12 A Correct.

13 Q Is the 1,100 the approximate ADT for
14 traffic on that entrance north on Steward Road?

15 A Yes.

16 Q And the 600 that's shown on -- in the
17 legend on Exhibit 3 is the average daily traffic on
18 Steward Road from that entrance -- south of that
19 entrance; is that correct?

20 A Correct.

21 Q I direct your attention -- I direct your
22 attention to Exhibit 2 that's been admitted into

1 evidence, the preliminary engineering drawings which
2 reflect the safety devices that is at this crossing.

3 Does this include the use of
4 IDOT-approved concrete surface materials?

5 A Correct.

6 Q Railroad advance warning signs?

7 A Yes.

8 Q And highway pavement markings?

9 A Yes.

10 Q And warning signals with gates; is that
11 correct?

12 A Correct.

13 Q Do these protective or advance warning
14 devices meet all of the requirements of the Manual of
15 Uniform Traffic Control Devices promulgated by the
16 Federal Highway Administration?

17 A Yes.

18 Q Do they meet all the requirements of the
19 92 Illinois Administrative Codes Part 1500 and 1535?

20 A Yes.

21 Q And the City would be responsible for the
22 maintenance of this track and crossing surface and

1 the safety devices; is that correct?

2 A Yes.

3 MR. COOPER: I have no other questions.

4 EXAMINATION

5 BY

6 JUDGE DUGGAN:

7 Q So you're not proposing the rubber that was
8 mentioned in the petition for the crossing?

9 A No.

10 Q And you say that this is Illinois
11 Department of Transportation-approved concrete?

12 A Correct.

13 Q I'm not sure it matters, but I'm going to
14 find out. I did follow the ADT 600 versus the 1,100
15 distinctions there.

16 A There's break in the IDOT ADT
17 representation for Steward Road on the -- it's 1,100
18 north of IRE and it reduces down to 600 as it comes
19 south on Steward Road. And what's on this drawing
20 here is the 600, whereas it's really probably going
21 to be more like the 1,100 that's represented in the
22 petition -- that will be associated with the access

1 or the crossing, excuse me.

2 Q Your plan is based upon an existing --
3 excuse me. The protective devices that you have
4 suggested are premised upon 1,100 a day traffic
5 crossings; correct?

6 A Correct.

7 Q Is that an actual or projected 1,100?

8 A In 2007, actual numbers as represented by
9 IDOT.

10 Q To your knowledge, other than 1,600 that's
11 projected that's indicated on Petitioner's Exhibit
12 No. 3 for 2027, is there any other reason to believe
13 there to be significantly above 1,100 in the
14 foreseeable future?

15 A As continued growth, obviously, in that
16 area from an industrial standpoint, there would --
17 there's a possibility of additional ADTs, yes.

18 Q But you're comfortable with the protective
19 devices you suggested; correct?

20 A Correct.

21 Q Okay. The train traffic -- I think you
22 were the one who testified to this -- the petition

1 refers to two blocks of trains on demand. Do you
2 know what was intended to be conveyed by that?

3 A Simply two movements per day, block trains
4 instead of -- I believe that's what we refer to them
5 as, as block trains -- instead of unit train,
6 anywhere from the neighborhood of a handful of cars
7 to 40 a day -- 40 movements.

8 Q So a block train meaning what I might call
9 a train?

10 A Correct.

11 Q Okay. So two trains each of which may have
12 up to 40 rail cars each in a day?

13 A Correct.

14 JUDGE DUGGAN: I think that's all I have.

15 MR. CURTIS COOK: If I could, I think I would
16 like to confirm the testimony.

17 CROSS-EXAMINATION

18 BY

19 MR. CURTIS COOK:

20 Q The cost of construction and maintenance,
21 was it going to be borne by the City as opposed to
22 the County?

1 A I'll answer that. Correct.

2 JUDGE DUGGAN: Yeah, I'm not sure if that was
3 all in there or not.

4 MR. COOPER: I think I covered it with the
5 first witness, actually.

6 MR. CURTIS COOK: I think that's where it was.

7 MR. COOPER: Actually, I think I covered it
8 with both of them now that I think about it.

9 JUDGE DUGGAN: John?

10 CROSS-EXAMINATION

11 BY

12 MR. BLAIR:

13 Q At the location of the crossing now, the
14 pavement is -- the pavement is relatively flat?

15 A Correct.

16 Q And once the crossing has been constructed,
17 the purchase up to the crossing will conform to the
18 Commission's guidelines of 20 percent and not exceed
19 1 percent or 25 feet, 5 percent thereafter?

20 A Correct.

21 Q Essentially, it will be a relatively
22 minimum grade on each approach?

1 A Yes.

2 Q On both sides of the crossing?

3 A Yes.

4 Q As far as the detailed plans for the

5 automatic signal and gates --

6 THE REPORTER: Your Honor, can you have him

7 speak up?

8 I can't hear you. I'm sorry.

9 BY MR. BLAIR:

10 Q As part of the automatic flashing lights

11 signals and gate designed, the detailed plans will be

12 submitted at a later date per the requirements of the

13 ICC order --

14 A Yes.

15 Q -- is that correct?

16 A That's correct.

17 MR. BLAIR: That's all the questions I have.

18 Thank you.

19 FURTHER EXAMINATION

20 BY

21 JUDGE DUGGAN:

22 Q In the petition, it does say that the City

1 of Rochelle will restore existing road approaches,
2 and that's where I was getting my question about
3 jurisdiction and having conflict with Ogle County.
4 Are there going to be existing road approaches that
5 have to be restored?

6 A There will be some minimal work on the
7 approaches as we work through the final details of
8 the plans to make sure that we meet the requirements
9 of the grade.

10 Q And do you know whether any of that will be
11 outside of an easement that is intended to be granted
12 by Ogle County to the City?

13 A It is possible that they will be outside
14 the easement that was granted from Ogle County to the
15 City for the railroad crossing, but it would be
16 through an intergovernmental agreement that would
17 allow the City to complete that approach work at no
18 cost to the County to complete the project.

19 Q Is there -- does this involve that constant
20 warning time circuitry? Does that have anything to
21 do with --

22 MR. BLAIR: Not of this type.

1 JUDGE DUGGAN: Okay. All right. I don't have
2 any other questions of this witness.

3 MR. COOPER: Okay. My third witness will be
4 Curtis Cook.

5 CURTIS COOK,
6 called as a witness herein, having been first duly
7 sworn, was examined and testified via teleconference
8 as follows:

9 DIRECT EXAMINATION

10 BY

11 MR. COOPER:

12 Q Would you state your name and give the
13 court reporter your business address and telephone
14 number.

15 A My name is Curtis Cook; that's C-u-r-t-i-s,
16 C-o-o-k. Address at the Ogle County Highway
17 Department is Ogle County Highway Department,
18 1989 South Illinois Route 2, Oregon, Illinois 61061
19 and my title there is the Ogle County engineer.

20 Q Did you give your telephone number?

21 A (815) 732-2851.

22 Q You are the Ogle County highway engineer?

1 A That's correct.

2 Q How long have you held that position?

3 A Over 19 years.

4 Q You are familiar with the City's plans for

5 the crossing of Steward Road as part of an extension

6 of the City railroad?

7 A Yes, I am.

8 Q Are you familiar with the petition that is

9 before the Commission today?

10 A Yes, I am.

11 Q Steward Road is presently an Ogle County

12 road; is that right?

13 A Yes, it is under our jurisdiction.

14 Q And what's Ogle County's position with

15 respect to the petition and the proposed crossing?

16 A We are in favor of the petition discussed

17 today.

18 Q Will Ogle County provide any necessary

19 easement for this crossing of Steward Road while

20 Steward Road is under the jurisdiction of Ogle

21 County?

22 A Ogle County will be willing to dedicate any

1 necessary permanent easement to the construction of
2 this at-grade crossing. In addition, we would be
3 willing to do any temporary easement that may be
4 necessary for the construction of such crossing.

5 Q Now, there is a jurisdictional transfer
6 agreement that has been approved by the governing
7 bodies of both the City of Rochelle and Ogle County
8 relating to Steward Road; is that right?

9 A That's correct.

10 Q Under that agreement, jurisdiction over
11 this portion of Steward Road that is pertinent to the
12 petition today will take place when?

13 A May 1st, 2012. It will be transferred to
14 the City of Rochelle.

15 Q Okay. And it's your understanding and your
16 agreement with the City that the City will pay the
17 costs for engineering and construction of this
18 crossing?

19 A Yes, it is.

20 Q And for the maintenance of this crossing
21 and the protective devices?

22 A Yes.

1 MR. COOPER: That's all the questions I have.

2 Mr. Cook, of course, is here representing a party, so
3 I guess he could testify to whatever he thought might
4 be pertinent.

5 JUDGE DUGGAN: Sure.

6 EXAMINATION

7 BY

8 JUDGE DUGGAN:

9 Q You've heard the discussion about the
10 potential for some approach work which may need to be
11 restored after installation of the crossing and
12 potential for some of that approach work to be
13 outside of the easement for the crossing. Is that
14 your understanding?

15 A Yes, it is.

16 Q Okay. And the testimony was that -- that
17 to the extent that such work might have to be done,
18 it would still be done by the City pursuant to an
19 intergovernmental agreement with the County; is that
20 what you would anticipate?

21 A Yes, that would be fine or it could be done
22 under a temporary easement outside of the permanent

1 easement.

2 Q But is it your anticipation and desire that
3 to the extent that such approach work may have to be
4 restored, that the City would take care of it?

5 A Yes, it would be our desire.

6 Q And one way or the other, the County would
7 authorize them to come up on the property to do that
8 work; correct?

9 A That's correct.

10 JUDGE DUGGAN: No questions.

11 MR. BLAIR: Staff, no questions.

12 MR. CURTIS COOK: Well, I'd just like to concur
13 or have the City's concurrence that the City is going
14 to maintain the signals, gates, signage and striping
15 at their cost.

16 MR. JASON ANDERSON: Yes.

17 MR. COOPER: Yes.

18 JUDGE DUGGAN: Even though some of that
19 striping would be -- some of the pavement markings
20 would be outside of the right of way; correct? So
21 some of those work may be done by the County to be
22 reimbursed by the City; is that your understanding,

1 Mr. Blair?

2 MR. BLAIR: It's my understanding it will be
3 done by the City and maintained by the City.

4 JUDGE DUGGAN: So one way or the other, the
5 City -- the County is going to authorize the City to
6 maintain the pavement markings, even though that very
7 well may be out of the right of way --

8 MR. CURTIS COOK: That's correct.

9 JUDGE DUGGAN: You want to make any statement
10 or any other questions?

11 MR. BLAIR: No. Staff has no -- takes no
12 exception to what Mr. Cooper proposed here and is
13 satisfied with how the crossing is to be protected
14 with flashing, signals and gates.

15 JUDGE DUGGAN: Staff has no objection?

16 MR. BLAIR: That's correct.

17 JUDGE DUGGAN: Okay. Let me ask you two
18 witnesses this, if Mr. Gronewold and Mr. Anderson
19 could look at the petition -- do you have copies of
20 the petition?

21 And the question I'm going to ask you
22 is whether the representations made in this petition

1 are true and correct to the extent of your knowledge.

2 MR. JASON ANDERSON: Yes.

3 JUDGE DUGGAN: Okay. So on behalf of the City
4 economic developer, the allegations in the petition
5 are true and correct to the best of his knowledge.

6 And Mr. Gronewold?

7 MR. MICHAEL GRONEWOLD: Yes.

8 JUDGE DUGGAN: Okay. Thank you. Anything
9 else?

10 MR. BLAIR: No.

11 JUDGE DUGGAN: Okay. Well, thank you. And
12 we'll mark the record heard and taken.

13 Thank you.

14 (Heard and taken.)

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